

Michelle C. Yau (admitted *Pro Hac Vice*)
Mary J. Bortscheller (admitted *Pro Hac Vice*)
Daniel R. Sutter (admitted *Pro Hac Vice*)
COHEN MILSTEIN SELLERS & TOLL PLLC
1100 New York Ave. NW • Fifth Floor
Washington, DC 20005
Telephone: (202) 408-4600
Fax: (202) 408-4699

Todd Jackson (Cal. Bar No. 202598)
Nina Wasow (Cal. Bar No. 242047)
FEINBERG, JACKSON, WORTHMAN
& WASOW, LLP
2030 Addison Street • Suite 500
Berkeley, CA 94704
Telephone: (510) 269-7998
Fax: (510) 269-7994

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Charles Baird et al.,

Plaintiffs,

v.

BlackRock Institutional Trust Company,
N.A., et al.,

Defendants.

Case No: 4:17-cv-01892-HSG

**STIPULATION AND ORDER TO MODIFY
THE BRIEFING SCHEDULE FOR MOTIONS
TO DISMISS THE SECOND AMENDED
COMPLAINT**

Pursuant to Northern District of California Local Rule 6-2, Plaintiffs Charles Baird and Lauren Slayton, Defendants BlackRock Institutional Trust Company, N.A., Blackrock, Inc., the BlackRock, Inc. Retirement Committee, the Investment Committee of the Retirement Committee, the Administrative Committee of the Retirement Committee, the Management Development & Compensation Committee, Anne Ackerley, Catherine Bolz, Chip Castille, Marc Comerchero, Paige Dickow, Daniel A. Dunay, Any Engel, Nancy Everett, Joseph Feliciani, Jr., Michael Fredericks, Corin Frost, Daniel Gamba, Kevin Holt, Chris Jones, Milan Lint, Philippe Matsumoto, Katherine Nedl, John Perlowski, Ann Marie Petach, Andy Phillips, Kurt Schansinger, Tom Skrobe, and Jeffrey A. Smith (collectively, “the BlackRock Defendants”), and Mercer Investment Consulting (“Mercer”, and together with the BlackRock Defendants, “Defendants”), by and through their respective counsel, stipulate and agree to the following:

1 1. On August 27, 2018, with leave of Court, Plaintiffs filed a Second Amended Class
2 Action Complaint (hereinafter “Complaint”), naming additional parties as Defendants, including
3 Mercer. ECF No. 154.

4 2. The BlackRock Defendants intend to file a motion to dismiss the Complaint. Yau
5 Decl. ¶ 2.¹ Mercer also intends to file a separate full-length motion to dismiss the Complaint. *Id.*

6 3. The original deadline for the previously named BlackRock Defendants to answer the
7 Complaint was September 10, 2018. *Id.* ¶ 3.

8 4. On September 10, 2018, Plaintiffs and the BlackRock Defendants filed a joint
9 stipulation and proposed order that the deadline for the BlackRock Defendants to respond to the
10 Complaint would be October 22, 2018. ECF No. 159.

11 5. On September 17, 2018, the Parties filed a joint stipulation proposing a briefing
12 schedule for all motions to dismiss and related requests for judicial notice, as set forth below. ECF
13 No. 161. The joint stipulation also proposed deadlines for the case management schedule. *Id.* The
14 Court entered case management deadlines on October 11, 2018 (ECF No. 173), but did not address
15 the briefing schedule for motions to dismiss the Complaint.

16 6. In addition to the stipulated orders entered by the Court on February 20, 2018 and
17 June 18, 2018, there have been nine other time adjustments in this matter. Six adjustments have
18 concerned the motions to dismiss the original and amended complaints. ECF Nos. 28, 38, 48, 55,
19 82, 88. Two adjustments have concerned the briefing schedule on Plaintiffs’ Motion for Leave to
20 File Second Amended Complaint. ECF Nos. 139, 146. *See also* Yau Decl. ¶ 8.

21 7. The Parties therefore stipulate and agree to the following modified case schedule:
22

Event	Deadline
Deadline for Defendants to file motions to dismiss and any related requests for judicial notice	Oct. 22, 2018
Deadline for Plaintiffs to file oppositions to the motions to dismiss	Dec. 21, 2018

27
28 ¹ A declaration from Michelle C. Yau, setting forth the reasons for the Parties’ request, is attached hereto as Exhibit A.

1	Deadline for Plaintiffs to oppose any related requests for judicial notice	Dec. 28, 2018
2	Deadline for Defendants to file replies in support of motions to dismiss	Jan. 18, 2019
3	Deadline for Defendants to file replies in support of requests for judicial notice	Jan. 25, 2019

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5
6 Dated: October 15, 2018

7 **COHEN MILSTEIN SELLERS & TOLL,
PLLC**

8 /s/ Michelle C. Yau
9 Michelle C. Yau

10 Michelle C. Yau (admitted *Pro Hac Vice*)
11 Mary J. Bortscheller (admitted *Pro Hac Vice*)
12 Daniel R. Sutter (admitted *Pro Hac Vice*)
13 1100 New York Avenue, N.W.
14 Suite 500, West Tower
15 Washington, D.C. 20005
16 Tel: (202) 408-4600
17 Fax: (202) 408-4699
18 khandorf@cohenmilstein.com
19 myau@cohenmilstein.com
20 jhorwitz@cohenmilstein.com

21 **FEINBERG, JACKSON, WORTHMAN
& WASOW, LLP**

22 Nina Wasow (Cal. Bar No. 242047)
23 Todd Jackson (Cal. Bar No. 202598)
24 2030 Addison Street, Suite 500
25 Berkeley, CA 94704
26 Tel: (510) 269-7998
27 Fax: (510) 269-7994
28 nina@feinbergjackson.com
todd@feinbergjackson.com

Attorneys for Plaintiffs

O'MELVENY & MYERS LLP

/s/ Meaghan VerGow
Meaghan VerGow

Meaghan VerGow (admitted *Pro Hac Vice*)
Brian Boyle (Cal. Bar No. 126576)
Michael J. McCarthy
1625 Eye Street, N.W.
Washington, D.C. 20006
Tel: (202) 383-5504
Fax: (202) 383-5414
mvergow@omm.com
bboyle@omm.com
mmcarthy@omm.com

Randall W. Edwards (Cal. Bar No. 179053)
Adam M. Kaplan (Cal. Bar No. 298077)
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3823
Tel: (415) 984-8700
Fax: (415) 984-8701
redwards@omm.com
akaplan@omm.com

Attorneys for the Blackrock Defendants

MORGAN, LEWIS, & BOCKIUS

/s/ Matthew A. Russell

Spencer H. Wan (CA Bar No. 304329)
One Market, Spear Street Tower
San Francisco, CA 94105
Tel: 415.442.1126
Fax: 415.442.1001
specner.wan@morganlewis.com

Brian T. Ortelere (*pro hac vice*)
1701 Market Street
Philadelphia, PA 19103
Tel: (215) 963-5150
Fax: (215) 963-5001
brian.ortelere@morganlewis.com

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Matthew A. Russell (*pro hac vice*)
77 West Wacker Drive
Chicago, IL 60601
Tel: (312) 324-1771
Fax: (312) 324-1001
matthew.russell@morganlewis.com

Attorneys for Mercer Investment Consulting

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ATTESTATION

I attest that for all conformed signatures indicated by an “/s/,” the signatory has concurred in the filing of this document.

Dated: October 17, 2018


By: /s/ Michelle C. Yau

Michelle C. Yau

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED: the above Stipulation and Proposed Order to Modify the Case Schedule is approved and all parties shall comply with its provisions.

Dated: October 17, 2018


U.S. District Court for the
Northern District of California